

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

L.C. Brown,)	
)	
Plaintiff,)	Civil Action No. 4:16-cv-2305-TLW
v.)	
)	
V. Jackson, SCDC Employee; and)	<u>ORDER</u>
Warden Cohen, SCDC Employee,)	
in their individual capacities,)	
)	
Defendants.)	
_____)	

On June 27, 2016, Plaintiff L.C. Brown, (Plaintiff) brought this action, *pro se*, pursuant to § 1983 alleging violations of his constitutional rights. ECF No. 1. Plaintiff also filed a Motion for Temporary Restraining Order and Preliminary Injunction, ECF No. 31, and “Motion to Appear in Person”, ECF No. 33. Defendants V. Jackson, SCDC Employee; and Warden Cohen, SCDC Employee in their individual capacities (Defendants) opposed Plaintiff’s motions, ECF Nos. 37, 38, and also filed a Motion to Dismiss for Failure to State a Claim, or in the Alternative, Motion for Summary Judgment on January 24, 2017, ECF No. 41. On January 25, 2017, Plaintiff was advised by Court Order that if he failed to respond, this action would be dismissed. ECF No. 43. The deadline to oppose Defendants’ motion was February 7, 2017, and Plaintiff did not oppose the motion or otherwise respond.

On February 9, 2017, United States Magistrate Judge Thomas E. Rogers, III, to whom this case was previously assigned pursuant to 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2)(d), (D.S.C.), entered a Report and Recommendation (the First Report) recommending that Plaintiff’s Motion for a Temporary Restraining Order and Preliminary Injunction and Motion to Appear in Person be denied. ECF No. 47 at 3. On March 6, 2017, Magistrate Judge Rogers filed a Report and Recommendation (the Second Report) recommending that this case be dismissed

pursuant to Fed. R. Civ. P. 41(b). ECF No. 51. The deadline to object to the First Report was February 23, 2017 and the deadline to object to the Second Report was March 20, 2017. Plaintiff failed to file objections to the Reports.

This matter now comes before the Court for review of the First and Second Reports. ECF Nos. 47, 51. As stated above, in the Second Report, the Magistrate Judge recommends that the action be dismissed pursuant to Fed. R. Civ. P. 41(b). ECF No. 51. Objections were due on March 20, 2017, however, Plaintiff failed to oppose the motion to dismiss or to file objections to the Reports. The Court notes that Plaintiff has not filed anything in this case since November 10, 2016.

This Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In the absence of objections to the Report, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the First and Second Reports and relevant filings. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendations, ECF Nos. 47, 51, are **ACCEPTED**, the Plaintiff's Motions, ECF Nos. 31, 33, are **DENIED**, and this action is **DISMISSED** pursuant to Federal Rule of Civil Procedure 41(b).¹

IT IS SO ORDERED.

s/Terry L. Wooten
Chief United States District Judge

May 30, 2017
Columbia, South Carolina

¹ This Court notes that Plaintiff did not respond to the Motion to Dismiss filed by the Defendants. The analysis in that filing supports dismissal of this action on the merits.